

Agenda
State Board for Mental Health Practitioners
Friday, June 7, 2024 10:00 a.m. - 12:30 p.m.

Sites:
Education Building EB 201 Albany, NY

In order to attend the Mental Health Practitioners Board meeting let the board office know by emailing Tinika.White@nysed.gov to add your name to the security list of the site you choose.

“Members of the public may attend and observe the meeting. Please note that due to security restrictions, you are asked to arrive 15 minutes earlier if possible than the start of the meeting.”

Thank you!

***Agenda and Discussion**

1. Welcome and review of Agenda.
2. Introductions
3. Review of March 1st, meeting minutes
4. Executive Secretary's Report
 - a. Staffing and Processing
 - b. Board member recruitment
5. Legislation and Regulation affecting Mental Health
 - a. Progress Diagnostic Privilege for Mental Health Practitioners (Ch. 230 of 2022) progress.
6. Discussion Topics
 - a. Tele-supervision reg
 - b. Licensing Webinars w/OMH OASAS
 - c. Psychoanalytic exam discussion.
7. Other business
8. Adjournment

The University of the State of New York
State Education Department
Office of the Professions

**State Board for Mental Health Practitioners
Meeting Minutes (Draft)**

Friday, March 1, 2024

This meeting was held in-person via WebEx at the following locations:

State Education Building, 89 Washington Avenue, EB 201, Albany, NY 12234
Office of the Professions, 1411 Broadway, 10th Floor, New York, NY 10018
Rochester Regional Office, 109 S. Union Street 2nd Floor, Rochester, NY 14607
Buffalo Regional Office, 508 Main Street, buffalo, NY 14202

Board members present:

Susan Boxer Kappel (New York)
Angela Musolino (New York)
Renee Jones (Rochester)
Jasmine Thomas (New York)
Christopher Smith (New York)
Thomas Biglin (New York)
Timothy Mooney (Albany)
Michele “Mikki” Meyer (Albany)
John/Jay Cerio (public board member) (Rochester)
Melissa Dukofsky (New York)
Shirley Disu (New York)

Board members absent:

Helena Boersma (Rochester)
Ann Canastra (Syracuse)

Staff present:

Evan Seiden, Executive Secretary (New York)
Kate Letzelter, Associate in Professional Education (NYC)
Michele Govertsen, Senior Administrative Analyst (Albany)
Henry Phillips, Education Program Assistant (Albany)

David Hamilton, Assistant Commissioner of Professional Licensing & Practice (observing)
Owen Donovan, Executive Coordinator for Professional Practice (observing)

Welcome and Review of the Agenda

Evan Seiden called the meeting to order at 10:03 AM. Board members and staff introduced themselves. New Board Office staff member Kate Letzelter, Associate in Professional Education was welcomed. There were no changes in the agenda.

Introduction of new MH Board members

New Board members were introduced.
Melissa Dukofsky
Dr. Shirley Disu

Review of the October 13, 2023, Board Meeting Minutes

The minutes of the October 13, 2023, Board meeting were reviewed. There were no changes made. A quorum of members was present. A motion was made and seconded to approve the previous meetings' minutes; motion was passed unanimously. Minutes accepted.

Executive Secretary's Report

Evan Seiden noted the queue for experience reviews and Limited Permit applications are both about 4 weeks out, which is well within the timeframe of 6 to 8 weeks given to applicants. All items in the queue (permit applications and experience reviews) are in the month of February or later – about 4 weeks out. Most of the queue is composed of Limited Permit applications. Evan Seiden thanked staff for their hard work.

Board actively in the process of recruiting new members – looking for Psychiatrist, 1 LCAT, 1 Psychoanalyst, and public member. Nomination forms for potential Board members are being reviewed and additional candidates continue to be recruited. Board nomination forms can be found on the NYSED website.

Legislation and Regulation affecting Mental Health Practice: Mental Health Practitioners' Diagnosis Privilege (Chapter 230 of the Laws of 2022)

Regulations accepted (adopted?) at last Board of Regents meeting. Meetings with Comp Ed and DPLS on reviewing education for "D" privilege. Forms are being developed. Application forms expected to be finalized in 5 to 8 weeks. FAQ and guidelines will be posted. Board Office continuing talks with stakeholders and lobbyists to align with legislative intent.

Board Members had questions about the diagnostic privilege. It was clarified that dual-licensed applicants must submit separate diagnostic application and fee (and all forms) if they want privilege for both licenses. Separate application, forms, and fee needed for each license (if they want privilege for multiple licenses).

Discussion: Tele-Supervision

Board noted that tele-supervision is still being accepted – current regulation allows tele-supervision. Discussion of tele-supervision implementation and possible methods and requirements was continued. Board noted virtual supervision can be effective. Virtual supervision at the discretion of the supervisor – relationship can be assessed on an ongoing basis. Board noted assessment of virtual arrangements is recommended. Board noted evidence of negative outcomes for clients with practitioners utilizing tele-supervision is minimal. Board noted that counseling relationships – relationship between psychotherapist and client – are often virtual. Board noted that tele-supervision broadens the reach of supervision. Prior to tele-supervision being allowed/in use, programs closed when licensees were not available in-person; Tele-supervision allows programs to remain open expanding access.

Discussion: Initiatives

Discussion on Proposed Amendment to Mental Hygiene Law -> Bill A8464 in Assembly -> Qualified Mental Health Associates -> needs more review/descriptions -> are they qualified? -> bill to credential them with their own board. Board discussed possible scope overlap and encroachment. Need more specifics about tasks -> what is the purpose of the role? Board discussed concern over proper training and what the QMHAs will do. Board noted that the language of the final bill will be important.

Discussion: Psychoanalytic Exam

Exam requirement for Psychoanalyst license consists of 2 case studies. There is an interest in looking for ways to improve the exam process -> Board discussed possibility of 1 case study with a certain score being able to meet exam requirement. NJ has multiple choice exam, based on NJ law and statute. To change the exam requirement, a change in regulation would be needed. More exam raters are needed; exam rater must be a Licensed Psychoanalyst.

Other Business

The Board discussed having future Board meetings on Fridays.

Board continues to prefer Fridays.

Board noted that telehealth businesses are contacting professionals. A practitioner must be licensed in NY to practice in NY, even for telehealth. OPD is able to investigate related misconduct. Board noted that telehealth is growing.

Executive Secretary Evan Seiden reminded Board members that June Board meeting will be “in-person” in Albany.

Closing Remarks and Adjournment

Evan Seiden thanked the Board for their participation in the meeting. Board Chair Susan Boxer Kappel called for adjournment. Seconded by Angela Musolino. The meeting was adjourned at 11:40am by Board Chair Susan Boxer Kappel.



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Diagnostic Privilege for Certain Mental Health Practitioners

Effective June 24, 2024 the Education Law authorizes the Department to issue a 3-year privilege to a qualified mental health counselor, marriage and family therapist or psychoanalyst, licensed and registered in New York. The applicant must:

- submit the online application and the \$175 fee;
- provide the six-digit New York license number and expiration date of the current registration as a mental health counselor, marriage and family therapist or psychoanalyst;
- have an education program acceptable to the Department submit verification of a 60-semester hour master's or higher degree in mental health counseling or marriage and family therapy or the clock hour equivalent program of study in a psychoanalytic institute, with an official transcript that shows the completion of at least 12 hours of clinical coursework acceptable to the Department;
- have your supervisor or a licensed colleague familiar with your supervised practice submit verification of either:
 - 2,000 hours of supervised, direct client contact that shall include, but not be limited to, diagnosis, psychotherapy and the development of assessment-based treatment plans, satisfactory to the Department; or
 - Three years (36 months) of experience engaged in direct client contact that shall include, but not be limited to, diagnosis, psychotherapy and the development of assessment-based treatment plans, under supervision in a setting acceptable to the Department, as defined in regulation. *A mental health counselor, marriage and family therapist or psychoanalyst licensed in New York prior to June 24, 2024 shall submit the application to the Department within 3 years of the effective date of this law and meet all requirements by June 24, 2027.

When issued, the privilege will be valid until the end of the licensee's current registration period. A licensee must renew the privilege every three years, at the same time as their registration renewal by submitting the registration application and statutory fees for registration (\$196), continuing education (\$45) and the diagnostic privilege (\$175).

Application Materials for the:

- Mental Health Practitioner Diagnostic Privilege can be found [here](#);
- Marriage and Family Therapy Diagnostic Privilege can be found [here](#);
- Psychoanalyst Diagnostic Privilege can be found [here](#);

Definitions related to the privilege.

The Education Law and Commissioner's regulations define terms used in the law authorizing the privilege:

- "Diagnosis" means the process of distinguishing, beyond a general assessment, between similar mental, emotional, behavioral, developmental, and addictive disorders, impairments, and disabilities within a psychosocial framework on the

basis of their similar and unique characteristics consistent with accepted classification systems.

- "Development of assessment-based treatment plans" means the development of an integrated plan of prioritized interventions, that is based on the diagnosis and psychosocial assessment of the client, to address mental, emotional, behavioral, developmental, and addictive disorders, impairments, and disabilities.
- "General supervision" means that a qualified supervisor shall be available for consultation, diagnosis and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise the degree of supervision appropriate to the circumstances.
- "Face-to-face supervision" means in-person supervision provided, however, that it may also be satisfied by utilizing technology acceptable to the department, including secure video-conferencing to protect confidentiality.

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Frequently Asked Questions on the Application for the Diagnostic Privilege

[How do I apply for the diagnostic privilege for mental health counselors, marriage and family therapists and psychoanalysts?](#)

[What is the application fee for the privilege?](#)

[Where do I find my New York license number and registration date to practice as a mental health counselor, marriage and family therapist or psychoanalyst?](#)

[I submitted verification of education and experience for licensure. Why do I have to submit new information for the privilege?](#)

Frequently Asked Questions on the Education Requirement for the Diagnostic Privilege

[What evidence is required to demonstrate completion of a 60-semester hour masters for licensure in mental health counseling or marriage and family therapy or the clock hour equivalent for licensure in psychoanalysis?](#)

[What if I was licensed in New York on the basis of a program other than a 60-semester hour master's or higher degree in mental health counseling or marriage and family therapy or a clock hour equivalent program in psychoanalysis?](#)

[What is acceptable clinical content in diagnosis, psychotherapy and assessment-based treatment planning?](#)

[How do I complete needed coursework in clinical content required for the privilege?](#)

Frequently Asked Questions on the Experience Requirement for the Diagnostic Privilege

[What is acceptable experience for the diagnostic privilege?](#)

[Who is a qualified supervisor for the privilege?](#)

[Where can I complete supervised experience for the privilege?](#)

What is a Diagnostic Privilege Limited Permit and who can apply for it?

Frequently Asked Questions on the Renewal and Duration for the Diagnostic Privilege

What is the duration of the privilege and renewal requirement?

The Diagnostic Privilege Limited Permit is valid for a period of 2 years from the date of issuance. The permit holder must renew the permit before it expires. The renewal process involves submitting a new application and paying the required fee. The permit holder must also demonstrate that they have maintained the necessary qualifications and skills to perform the diagnostic procedures.

registered professional nurse who is also a nurse practitioner in Family Health, one respiratory therapist, and one respiratory therapy technician who is also a respiratory therapist.

Restorations [PPC EXS (A) 4]

The Committee recommends that the application of Nishant Nadpara for the restoration of his license to practice as a Physician in New York State be denied.

MOTION FOR ACTION BY FULL BOARD

The Professional Practice Committee recommends, and we move, that the Board of Regents act affirmatively upon each recommendation in the written report of the Committee's deliberations at its meeting on May 7, 2024, copies of which have been distributed to each Regent.

MATTERS NOT REQUIRING BOARD ACTION

Proposed Amendment of Sections 74.1, 74.6, 79-9.3, 79-10.3, 79-11.3 and 79-12.3 and Repeal of Section 74.5 of the Regulations of the Commissioner of Education Relating to Social Work and Mental Health Practitioner Supervision Requirements, Acceptable Accrediting Bodies for Social Work Education Programs, and the Social Work Psychotherapy Privilege [PPC (D) 1] – Department staff presented proposed amendments to: (1) sections 74.6, 79-9.3, 79-10.3, 79-11.3, and 79-12.3 to amend the supervision requirements for social workers and mental health practitioners to allow these professions to receive face-to-face supervision through secure, real-time technology acceptable to the Department, such as videoconferencing; (2) subdivisions (a) and (b) of section 74.1 of the Commissioner's regulations to remove the reference to the Council on Social Work (CSWE) because the standards of private organizations, such as CSWE, may change and no longer be considered equivalent to New York standards, which is consistent with regulations in other related professions that do not name specific organizations; and (3) repeal section 74.5 of the Commissioner's regulations, which established the licensed clinical social worker psychotherapy privilege requirements because, effective January 1, 2023, Chapter 818 of the Laws of 2022 eliminated the psychotherapy privilege established under the Insurance Law for certain licensed clinical social workers.

Deputy Commissioner David Hamilton reviewed the items on the Consent Agenda.



Approved by the Board of Regents

Approved by the Professional Practice Committee (PPC) 4/10/24

Approved by the Board of Regents (BOR) 5/7/24

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Expand All

79-12.1 Professional study.

79-12.2 Professional licensing examinations.

- a. Each candidate for licensure as a psychoanalyst shall pass one of the following examinations:
 1. an examination that is offered by an organization determined by the department to have satisfactory administrative and psychometric procedures in place to offer the licensing examination, and that the department determines adequately tests psychoanalytic proficiency at the master's degree level and adequately measures the candidate's knowledge concerning the practice of psychoanalysis, as defined in subdivision (1) of section 8405 of the Education Law; or
 2. a scored assessment of case narratives, which shall meet the following requirements:
 - i. The case narratives shall be submitted to the department in a form prescribed by the department.
 - ii. The case narratives shall describe the assessment and treatment in two cases. The narratives shall demonstrate the relationships among the presenting problems, the background material, a formulation of case dynamics, a diagnosis formulation, the phases of the psychoanalytic process, an assessment of patient functioning, and supervisory issues.
 - iii. The case narratives shall be scored by the State Board for Mental Health Practitioners. Failing examinations may be revised and resubmitted only once.
- b. Requirements for admission to examination for licensure as a psychoanalyst. To be admitted to the licensing examination, the candidate shall be required to:
 1. file an application for licensure with the department;
 2. pay the fee for initial licensure and the fee for the first registration period, as prescribed in section 8405(3)(g) of the Education Law; and
 3. present satisfactory evidence of having met the education requirement for licensure as a psychoanalyst, as prescribed in section 79-12.1 of this Subpart, including receipt of the master's degree and the certificate of completion.
- c. Passing score. The passing score for the examination for licensure as a psychoanalyst shall be determined by the State Board for Mental Health Practitioners.

79-12.3 Experience requirement.

79-12.4 Limited permits for licensure and limited diagnostic permits

79-12.5 Classifications systems.

79-12.6 Diagnostic privilege

79-12.7 Licensure by endorsement of certain licensed psychoanalysts.